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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,983	06/07/2006	Masakazu Nagata	2005_2046A	6030
513 7590 09/24/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER MEISLIN, DEBRA S	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,983

Applicant(s)

NAGATA, MASAKAZU

Examiner

D S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/18/06</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Figures 12-15 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, as best understood, "in" should be ---on---. In line 9, "the other" is not understood since "one of" has not been defined prior to the recitation of "the other". In line 12, "one" should be ---said one---.

In claims 2 and 13, "an as prepared material" is not understood.

In claim 7, lines 1-2, "the rotation preventing means" lacks antecedent basis.

In claims 10 and 20, line 2, "in" should be ---as---.

In claim 12, line 8, as best understood, "in" should be ---on---.

In claim 12 it is not clear if applicant is claiming an apparatus ("a ratchet wrench" as set forth in line 1) or if applicant is claiming a method ("a ratchet wrench assembly method") as set forth in line 5.

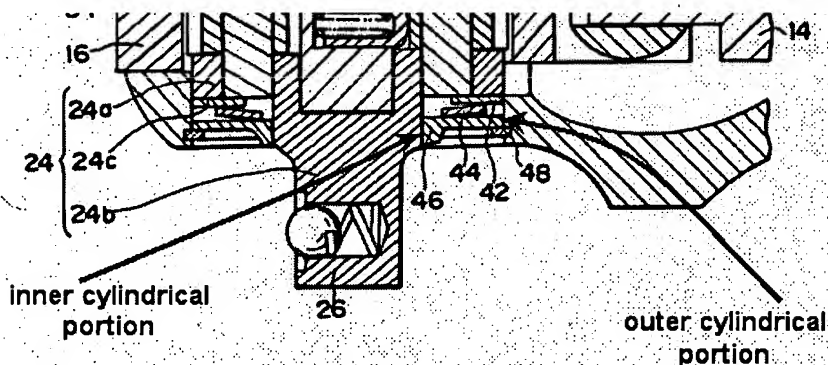
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 8, 10-12, 16, 18 and 20-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the admitted prior art of Figure 12 of the instant invention.

Figure 12 of the instant invention discloses a spring "44", a guide member "46" protecting the spring, hold means "46, 48", drop-out preventing means or snap-ring "48". The guide member has inner and outer cylindrical portions and the spring is accommodated in the space between the portions.



5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2-3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of Figure 12 of the instant invention in view of Kusama (2003/0150298).

Figure 12 of the instant invention discloses all of the claimed subject matter except for having an abrasion preventing member obstructing contact between the shank the annular hold portion, the member having an annular shape with a hole through which a shank projection is fitted. Kusama discloses an abrasion preventing member "32 and/or 71" obstructing contact between the shank the annular hold portion, the member having an annular shape with a hole through which a shank projection is fitted. It would have been obvious to one having ordinary skill in the art to form the device of Figure 12 of the instant invention with an abrasion preventing member obstructing contact between the shank the annular hold portion, the member having an annular shape with a hole through which a shank projection is fitted to prevent abrasion as taught by Kusama.

7. Claims 2-4, 7, 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of Figure 12 of the instant invention in view of Horvath (6490953).

Figure 12 of the instant invention discloses all of the claimed subject matter except for having an abrasion preventing member obstructing contact between the shank the annular hold portion, the member having an annular shape with a hole through which a shank projection is fitted and the member having a rotation preventing means. Horvath discloses an abrasion preventing member "246" obstructing contact

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between the shank the annular hold portion, the member having an annular shape with a hole through which a shank projection is fitted and a rotation preventing means. It would have been obvious to one having ordinary skill in the art to form the device of Figure 12 of the instant invention with an abrasion preventing member obstructing contact between the shank the annular hold portion, the member having an annular shape with a hole through which a shank projection is fitted and a rotation preventing means to prevent abrasion as taught by Horvath.

8. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of Figure 12 of the instant invention in view of Bosque (4699028).

Figure 12 of the instant invention discloses all of the claimed subject matter except for the housing be heat treated. Bosque discloses a tool housing being heat treated. It would have been obvious to one having ordinary skill in the art to form the housing of Figure 12 of the instant invention as heat treated for added strength as taught by Bosque.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800 786-9199 (IN USA OR CANADA) or 571 272-1000.

/D. S. Meislin/
Primary Examiner
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September 20, 2007